

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

KIAUNDRAY ROGERS,

Petitioner,

v.

SUPERINTENDENT,

Respondent.

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Case No. 3:17-CV-543-JD-MGG

OPINION AND ORDER

Kiaundray Rogers, a prisoner without a lawyer, filed a habeas corpus petition challenging his prison disciplinary hearing in MCF 16-09-0447 where a Disciplinary Hearing Officer (DHO) at the Miami Correctional Facility found him guilty of assault on staff in violation of A-117 on October 11, 2016. ECF 1 at 1. As a result, Rogers was sanctioned with the loss of 90 days earned credit time and demoted from Credit Class 2 to Credit Class 3. *Id.*

After Rogers filed his petition, the finding of guilt and sanctions were vacated. ECF 5-2 (Ex. B). The Warden has now filed a motion to dismiss because this case is now moot. ECF 5. Rogers did not file a response and the time for doing so has passed. *See* N.D. Ind. L. Cr. R. 47-2. Because the challenged disciplinary proceeding and sanctions have been vacated, this case must be dismissed. *See Hadley v. Holmes*, 341 F.3d 661, 664 (7th Cir. 2003) (prisoner can challenge prison disciplinary determination in habeas proceeding only when it resulted in a sanction that lengthened the duration of his confinement).

For these reasons, the motion (ECF 5) is **GRANTED** and the case is **DISMISSED**. The clerk is **DIRECTED** to close this case.

SO ORDERED.

ENTERED: December 12, 2017

/s/ JON E. DEGUILIO
Judge
United States District Court